

claims are mutually exclusive as required by MPEP 806.04(f). Indeed, merely finding that claims are patentably distinct does not provide a basis for requiring an election of inventions, since if that were the case every dependent claim ever submitted in an application would be properly the subject of a Restriction Requirement, which of course is not the case. Further, all claims in each group were not listed, as required by MPEP 817.

In light of the deficiencies above-identified in the outstanding Restriction Requirement, it is respectfully submitted that certainly non-elected groups are not properly established as being directed to different mutually exclusive inventions, and at the very least it is respectfully submitted that these claims should be examined in the present application consistent with the present Provisional Election. Further, in view of the similarity of Group I, it is respectfully submitted that it would not be unduly burdensome for the remaining claims also to be examined in the present application.

Accordingly, in view of the present election, and in view of the arguments in traversal of the outstanding Restriction Requirement, examination on the merits of each of the pending claims is believed to be in order, and an early and favorable action is respectfully requested.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr, at the telephone number listed below.

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Respectfully submitted,  
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